

COUNCIL MINUTES
MAY 13, 2015

The City Council held a meeting on Wednesday, May 13, 2015, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Paul Cozzens; Don Marchant; Fred Rowley.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder, Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; Parks Superintendent Austin Bingham.

OTHERS PRESENT: Tom Jett, Melodie Jett, Cory Peterson, Katherine Peterson, Tim Beery, Enoch Seegmiller, Bryce Davis, Koalman Kimber, Aubrie Patrick, Sahe Raftery, Katrina Price, Sara Penny, Janice Cox, Makayla Cox, Wade Grimm, Barbara Imlay, Marsha Perkins, Paulette Wiseman, Doug Hall, Weston Smith, Scott Phillips, Jyl Shuler, Linda Wilson, Donna Law, Joanne Brattain, Vicki Ann Higgs, Melissa Higgs, Gary Kling, Brett Sillitoe, Hunter Shaheen.

CALL TO ORDER: Councilmember Cozzens gave the opening prayer; the pledge of allegiance was led by Councilmember Adams.

AGENDA ORDER APPROVAL: Rowley – we have Hunter Shaheen that will need to leave before item #7, can he speak on that agenda item under public comments.

Councilmember Black moved to approve the agenda order with the above change; second by Councilmember Marchant; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Black – thank you Mayor and Staff for the budget process the past few days. Also, we are an event/festival community, with that the good weather times are better than bad weather times. I have had excellent conversation from members of the community to put a think tank together to entice visitors during off seasons, maybe package Shakespeare with basketball or skiing, etc. We should come up with some names to meet with. We could be better in making people aware. ■Rowley – an item that keeps coming up, people are opting for cremation, there is nowhere in our cemetery for this to happen. Maybe with the cemetery rearrangement we could address this issue. ■Rowley – with Shakespeare Theatre moving closer to downtown, the sound systems at the park carry and we need to address this for the plays. Mayor – I know Scott has met with some people about that, but City events we need to address that. Black – Groovefest is the biggest, they have been at the north end because of power, but that has been moved, so maybe they could move. Scott Phillips – I have met with some members of Groovefest, but it has been a couple of years. I am a supporter of Groovefest, maybe we

could revisit some of the issues. Austin – the main concern is the stage they set up comes in on a semi, and trying to get into the park with that is an issue for the south end. I know they have parked semis along there to help. With the phase 2 power to be completed June 19th, we can look at options. ■Mayor – thank you for spending the past 3 days spending time in these seats. A few things to update, I had a conversation this afternoon with an individual from Senator Hatch's office; they will also follow up with Kit on the Coal Creek flood control project. It is on their radar and Kit's radar. Rowley – the pipeline on 400 West was a lot of fun today. Marchant – it was an interesting process. Mayor – I went out shooting with the Police last night. It was very educational to realize what the officers go through, we were in the dark with the car lights and the flashing lights, it is disorienting to have the lights changing. Most gun incidents happen at low light or night. They had the new K-9 dog, I have asked that he come and meet you. He is amazing, he is very energetic. Marchant – did he replace a K-9? Mayor – yes, Clint's other dog, Voodoo is old and dying, he is a replacement. ■Business Update – Danny Stewart: a couple of businesses anxious to get here. The International Council Shopping Centers (ICSC) conference is in Las Vegas, I will be attending with Chris McCormick, the Mayor will be there for ECDC Utah, this will let us meet with retailers and show what we offer in our community. Several real estate developers would like to kick off some projects and promote them, hopefully find good retail for our community. Mayor – Danny has been working to set up appointments and will be meeting with people. ■Black – we finished up spring cleanup, are we close to last year? Ryan – yes.

PUBLIC COMMENTS: ■Hunter Shaheen - I knew the agenda item that deals with the School District and Summer Games to have the fields in a better playing position. We thank you for looking at this. At the District we have taken on an energy efficient program, we are probably the largest water user in the County and with that are great responsibility to reduce, and we have done that between Cedar, Parowan and Enoch Cities. We appreciate to help the grounds to look better and also conserve. Rick – can we get a list of sites that we anticipate we can help with the credit we would offer? Hunter – I will get that to you tomorrow. ■Marcia Perkins – in dealing with the 10% proposal on the RAP Tax to be used for maintenance on the current Parks & Recreation, there are talks and concern about the part that goes to the Arts, especially the small groups that provide training for young people. They have a small budget. Sometimes the groups rent other facilities to practice. We were concerned about taking any. If you walk the park or trail there is no cost to you, but for some of the people doing performances, so many things we do bring people to Cedar. I understand the need to maintain things. I would like to have a possibility of saying what if we could find naming rights with a minimum of \$100,000, we don't have the prestige as Shakespeare, or find someone to write grants to defray and bring dollar for dollar.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED APRIL 15, 22 & 29, 2015; (2) APPROVAL OF BILLS DATED MAY 11, 2015 ; (3) APPROVE A SINGLE EVENT PERMIT FOR THE ELKS HORSE SHOE TOURNAMENT ON MAY 30TH – CEDAR CITY ELKS; (4) APPROVE A COST REIMBURSEMENT AGREEMENT BETWEEN CEDAR CITY AND FIRST WIND LLC – DANNY

STEWART: Councilmember Adams moved to approve the consent agenda items 1 through 4 as written; second by Councilmember Marchant; vote unanimous.

CONSIDER AN ORDINANCE AMENDING THE RAP TAX AND TRANSIENT ROOM TAX ORDINANCES – PAUL BITTMENN:

Scott Phillips – I want to thank the Council to allow us to talk tonight. A brief update on the construction on the Beverly Taylor Sorensen Center for the Arts. We are 30% complete, the tower is ½ the size it will be, we have a ways to go. We are nearing completion of fundraising; we have about a million dollars to go. We appreciate the support of the city, county and State. As we plan 2016 it is nerve racking, they say we will be in by March 1st, but if it is late we will be in trouble, we need time to test items. We plan a large grand opening next June. The RAP Tax proposal, I am speaking for myself and arts organization. We are all very much understanding on what it takes to get the initiative approved. It has made a difference for the better in the community. The quality of life things have to be considered, just like streets, hospitals, etc. We know what it takes for maintenance. I will go on a limb; I think we recognize there is a need to take a portion to take care of what we have. Of the 8 or 9 groups that have RAP funding use the Heritage Center and are paying. I would urge the Council to change the portion to a 60%/40% split. We are the big organization in the room. Last year we cleared \$2,088. \$5,000, \$2,000 makes a big difference no matter the size of the organization. The little extra would help the organizations a lot.

Cozzens – one of the proposals on the table, there is approximately \$450,000 available for the RAP this year. We took \$60,000 of the \$150 for Arts for Shakespeare. We have TRT this year, if we take the 1/3, 2/3 split, you take the 10% it would give you \$135,000. Our proposal is to take \$30,000 out of this money and \$30,000 from TRT for Shakespeare, that would leave, even with the 10% \$105,000 allocated for the arts, last year it was \$90,000 that is an increase. That is the proposal I would lean toward. Mayor – in the proposed budget that is where the money he is talking about with the TRT money \$30,000 for Shakespeare and \$30,000 for USG, that is part of the budget. Rowley – that makes sense because they provide a lot to the TRT.

JoAnn Brattian, Chair of Arts portion. We had 13 groups last year and 1 group that didn't make the deadline. I would hope in the spirit of nurturing new organizations and take care of new ones I would like to consider the 60%/40% percent split that John suggested. Marchant – we were hoping the extra in the arts would be to help those that did not receive money, which is the avenue we are looking at on the 60%/40%.

Scott Phillips – with the split I would ask Paul if the opportunity on TRT or RAP for there to be growth? The assumption is as the economy gets stronger and more activities we want growth to present itself. When we open the new theatres we will expand through September and into October have 4 shows running. We are hoping to attract more visitors. As we are expanding we don't want to be penalized. Rowley – you are saying you want a percentage, not just a dollar amount. Marchant – that stands to reason. Mayor – in TRT Ordinance there is not actual clear defined who gets how much, it will go with the years and budget and how things are going. The RAP will always be application based. Rowley – we just gave you \$15,000 more than you were going to get

and you do not seem to be happy. You can't just say you want more. Scott – it will happen for other organizations that apply. There is more guarantees we will get more. Marchant – we look at it as the generation of the TRT Taxes, Shakespeare and Summer Games are the major force creating the taxes, I think you will get more if we have more. The option is there to increase the funds as they become available. Scott – as we look at how we envision the City in the future by bringing more in during off months. Cozzens – with TRT we are in new territory. We act like the 10% is a penalty, if you remember back in the RAP Tax debate we took money to buy new microphones in the Heritage Center, we are not taking it away, we are fixing things that are broken. Some think we are taking it away, we are not, we just want to be responsible stewards. Scott – the majority of the organizations are giving the money back. It is difficult, we do 264 performances a year, some do 3, and we have to weigh it in the right proportion as well.

Enoch Seegmiller – I am the only person here from the Iron County Lodging Association. You guys received \$40,000 in TRT last year correct? Jason – No, it was \$196,000 for the calendar year. Enoch - \$30,000 for what is normally funded from RAP Tax? Black - no, 50% goes to Events. Mayor – the split is 50/40/10, 50% to large events, the breakdown go through our budget process. The ordinance defines the different section on events support, reserve, marketing, recruitment, all different components allocated. Enoch – the TRT Tax the intent was used to increase events, whatever money used out of TRT, I am ok with Shakespeare and Summer Games, they are big players, but we would like to see funds used to increase the business that comes in to the City. Mayor - 50% is for events, 40% marketing and recruitment and 10% for reserve. Enoch - Summer time it is good, winter time is cut throat, I love hearing the fact to continue for winter stuff. Marchant – you guys are big players in this. The process is let's utilize this to increase potential for existing properties, and that falls on you guys to keep your property up. We recognize the need to putting some back into that pocket so you can provide the accommodations. Enoch – I have full faith in using the funds to benefit the community. Marchant – we would like to have your group involved. Mayor – the direction won't change as far as continuing to look for events to come in the off months. Enoch – I or our organization would love to be involved in the think tank.

Councilmember Cozzens moved to approve the ordinance amending the RAP to remain the 1/3 and 2/3 and Transient Room Tax ordinances; second by Councilmember Adams;

Discussion on the motion. Cozzens -take into consideration the groups that bring the most in and look at the TRT Tax, and use the \$30,000 of TRT to help offset the O&M costs.

Mayor – what is in your packet is 1/3, 1/3, 1/3. The TRT it comes through the budget process. Cozzens – I know we can't approve that, but it is the rationale.

Black – for me personally I am not ready to vote on 1/3, 1/3, 1/3, I think we need more discussion. I am in favor of one more discussion meeting and action. There could be 35%/65% split. Also do we cap the limit and take the 10% off that. Another question rose, what really goes into maintenance. In Parks if they have a complete playground

that needs to be replaced, does that come out of the 10% or can they go to RAP. I think a piece would come out of the 10%, but an entire playground could go to RAP. I would like one more discussion. Mayor – I know Austin and Jared were both concerned that they can still apply during the RAP process and the 10% would be application based as well.

Austin – my concern is that we have clarification on what the O&M consists of, does an upgrade to trail or park become RAP or maintenance. Mayor – preservation and replacement fund, the way it is defined that the money would be spent on any city owned recreation or cultural facility and on projects that would otherwise qualify for RAP Tax funding. You can also apply for a playground through the normal application process. Austin – I understand. Paul – Parks are different than the Arts, parks are city owned, the arts are outside the city, ballet, music dance, they use the money for O&M of their own organization outside the city. The RAP is available for city owned facilities to do things you talk about. If you need to repave a few miles of trail we won't have enough money in preservation anyway. Austin – that was my question, can we apply for both? Paul - Yes. Cozzens – that is my concern for the 60/40, I don't know if it is fair for Parks and Rec to take the 7% away.

Fred – we keep it at 1/3, 1/3, 1/3 and 10% out with the plan when the budget is completed TRT funds some of Shakespeare. Mayor – that can be considered. I do see the parks and recreation have all sorts of maintenance they need to take care of as well.

Roll call vote on the motion as follows:

Ron Adams	-	AYE
John Black	-	NAY
Paul Cozzens	-	AYE
Don Marchant	-	NAY
Fred Rowley	-	AYE

The nays said they are qualified because they don't feel it is ready to be voted on.

CONSIDER THE 2015-2016 FY TENTATIVE BUDGET – JASON NORRIS:

Jason – we had good budget discussions, a few items in the tentative that will be updating in the next version. Black – this is just tentative; we have the opportunity to make changes? Jason – yes, until we pass the final budget. Marchant – the meeting process was excellent and helped us understand completely the other department needs. Jason – it is a difficult process, the departments appreciate the council looking at their requests. It is a positive process.

Councilmember Black moved to approve the 2015-2016 tentative budget; second by Councilmember Cozzens; vote unanimous.

Rick – we have to adopt a final budget before June 22nd, we have scheduled to have a public hearing on June 3rd and adopt on June 10th. The Mayor will be out of town, so we

would propose the hearing to be held on June 10th and hold a special meeting to adopt the budget on June 17th.

CONSIDER ADDRESSING WATER RATES FOR SCHOOL DISTRICT IN PREPARING FIELDS FOR SUMMER GAMES – JOHN BLACK: Black – as Hunter mentioned it takes extra effort to get fields ready for play and does require that we put a little more water than we normally would. I think it is a good partnership to offer them some kind of credit in recognition of their efforts. \$2,500 - \$3,000 and they need to list all the fields.

Councilmember Black moved to approve crediting the Iron County School District water account between \$2,500 - \$3,000 in preparing fields for the Summer Games; second by Councilmember Cozzens;

Rick – we will issue a credit on each of the fields, when we get the readings between May and June we can update you. Paul – and have a formal hearing then.

The vote was unanimous.

CONSIDER ALLOWING THE UTAH SUMMER GAMES TO PLACE SIGNS AT THE MAIN STREET PARK: Marchant – that is a great process, it allows people to see what is going on. Rowley – it allows a festive air. Black – they coordinate with Austin to avoid damage.

Councilmember Marchant moved to approve allowing Utah Summer Games to place signs at the Main Street Park with the coordination with the Parks Department for placement of the signs; second by Councilmember Rowley; vote unanimous.

Mayor – one thing being looked at is our banner signs that have 1 arm, adding a second arm on part of those so if there are two events both could be on the poles. Rick – it would put another arm on the sidewalk side and one on the street side. Mayor – it won't be on all the poles, some would be too far in the road. It will still look pretty.

ADJOURN: Councilmember Marchant moved to adjourn at 6:45 p.m.; second by Councilmember Rowley; vote unanimous.


Renon Savage, MMC
City Recorder